

From: Mark Tennent
To: Microsoft ATR
Date: 12/14/01 10:40am
Subject: U.S. v. Microsoft

To: Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division,
Department of Justice, 601 D Street NW, Washington, DC 20530

From: Mark Tennent, 71 Wish Road, Hove BN3 4LN, UK

Re: U.S. v. Microsoft

I understand that public comment has been invited on the above case and hope that as a non-US resident my comment is valid.

I have been involved in the computer industry since 1985, before Microsoft held a near world-monopoly position in software. Since 1985 I have observed that as Microsoft's influence has grown, they have actually kept users of their operating systems and software at a disadvantage. Their operating systems are prone to attack by computer virus writers - and subsequently have been responsible for an immense cost to the world in recovering from the effects. Often the reason for the easy access offered to virus writers is due to Microsoft's badly or incompetently written software. Because of their control of the operating system they are also able to prevent faster development of computers and software by deliberately not supporting existing standards, such as MP3, or by making other companies software incompatible with Microsoft's, such as Apple's Quicktime, or by refusing developers access to Microsoft's codes. Consequently they have held back their own customers and limited their choices.

Currently I choose not to use a Microsoft operating system and avoid Microsoft applications because I have learned from experience of both that they are seldom the best tools for the purpose in hand. If Microsoft is allowed to extend their monopoly position it will have a great effect in limiting my own choices in software and what I am able to do with it. Microsoft were guilty of taking a competitor's product, Sun's Java, and changing it to make it proprietary to Microsoft. I am still suffering from the effects of this.

For example: I use on-line banking services, accessing my accounts from my computer. However, I am often barred from doing so unless I use specifically Microsoft operating systems and software. The only reason for this is that access has been blocked deliberately for non-Microsoft users. My bank, my Visa card supplier and others, operate similar secure services but on open-source applications and operating systems instead of Microsoft programs. They are able to be accessed from any computer that can use the Internet.

Another example is where the UK Government used to run its on-line services on open-source operating systems, at that time I had full access to the services. Microsoft was contracted to improve the services and since then they are only available to computers running Microsoft operating systems and applications. This has prevented me from using the facilities I used to have, to pay taxes and such like over the Internet.

Microsoft have been found guilty of maintaining a monopoly yet the proposed settlement does little to correct the situation. Microsoft will not suffer in any way for their guilt and will themselves supply the controllers to prevent future transgressions. Already their proposed settlement of other cases - by donating software and computers to schools - seems deliberately designed to extend their monopoly into an area where, so far, they have not gained an overwhelming control, by damaging their biggest rival, Apple Computer.

I respectfully suggest that Microsoft have no intention of following the instructions of the court unless it has a beneficial effect for Microsoft. The penalties imposed should curb their behaviour and punish them for their past mis-behaviour. At the very least the settlement should contain the following three elements.

1. Microsoft be prevented from insisting that computer manufacturers must sell computers with Microsoft operating systems or only Microsoft products. This will allow computer manufacturers to supply computers with or without Microsoft operating systems with no fear of losing their licence to sell Microsoft products. In addition they should be able to place whatever other applications on the computers and make any icons or links to those applications appear on the computer's desktop at start-up time and to open as the default application in preference to Microsoft's.

2. Microsoft's present and future document file formats be made public, so that documents created in Microsoft applications may be read by programs from other makers, whether on Microsoft's or other operating systems. This is in addition to publishing Microsoft's Windows application program interface so that other authors will be able to write applications for Microsoft operating systems.

- 3 All Microsoft networking protocols should be published in full to prevent Microsoft from extending their control of the Internet and that and programming instructions be removed that prevent other operating systems from accessing applications running on Microsoft servers and applications.

MARK TENNENT
